

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA

**EFFECTIVE DATE OF
AMENDED LOCAL RULE B-1007-1:
DEMISE OF “MOTION TO REINSTATE”**

A previous announcement (May 12, 2008) gave notice of a proposed amendment to subparagraph (f) of Local Rule B-1007-1. Specifically, that amendment proposed to eliminate the concept of a Motion to Reinstate a dismissed case and replace it with the Motion for Relief from Judgment/Order pursuant to Fed.R.Bankr.P. 9024. [The event “Relief from Judgment/Order Pursuant to FRBP 9024” can be found on the Motions menu.]

After comments were received, the Judges made further changes to the subparagraph and submitted the amendment to the Seventh Circuit for approval. That approval has been given. The final version of L.R. B-1007-1(f) reads as follows:

(f) Obtaining Relief from Dismissal

If a dismissed case has been closed, any party seeking relief from the dismissal must first file a motion to reopen, and then file a motion for relief from the dismissal order pursuant to Fed.R.Bankr.P. 9024. If the dismissed case has not been closed, then only the motion for relief from dismissal order is required.

If the case was dismissed because of the failure to file required documents or to pay the filing fee or an installment, the movant must:

- (1) if the case has been closed, pay the required fee for reopening the case, submit the documents

required or pay the filing fee or any missed fee installment;

(2) if the case has been dismissed but not yet closed, submit the documents required or pay the filing fee or any missed fee installment.

The motion will not be considered unless the deficiency is cured or a showing of good cause is made as to why additional time is needed. If the motion to reopen or for relief from the dismissal order is denied, the Court may direct the refund of any fees paid with the motion.

This amended rule becomes effective September 29, 2008. Failure to comply with the new procedure may result in a notice of deficient filing.

September 18, 2008

Kevin P. Dempsey
Clerk